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# Enemy-strength debate continues in Westmoreland libel trial

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As Gen. William C. Westmoreland's libel suit against CBS continues in its ninth week, CBS lawyer David Boies resolutely searches for inconsistencies in General Westmoreland's case. Mr. Boies has also tried to establish CBS's state of mind when it made the documentary and to show that Westmoreland's reputation had not been further damaged by the program.

Since he took the stand on Nov. 15, Westmoreland has steadfastly denounced the 1982 CBS Reports documentary, which he claims defamed him, and has resolutely defended his own actions and reputation during the Vietnam war.

At this point, some observers say the courtroom confrontation between Westmoreland and Boies been almost a draw.

But Boies, who represents CBS News, may have strengthened the CBS case with his persistent questioning during cross-examination. Boies is also defending CBS newsman Mike Wallace, producer of the documentary George Crile, and consultant Samuel A. Adams, a

former analyst for the Central Intelligence Agency.

As Boies finishes his cross-examination, he has worked to show that the retired general's reputation was already under fire when the CBS program was made, and thus he can no longer claim damages.

The CBS lawyer also introduced a series of newspaper and magazine articles questioning Westmoreland's role in the dispute over enemy strength.

The articles pertain to a House Select Committee on Intelligence investigation of the dispute over enemy strength, after an article by Mr. Adams, appeared in Harper's in 1975.

At issue in the trial is whether CBS correctly reported that Westmoreland deliberately suppressed estimates of greater enemy

strength to give the impression that the war was being won.

On Monday, the former commander of US forces in Vietnam from 1964 through 1968, said he "felt very strongly" that new, higher enemy strength estimates that came out in 1967 "could be and probably would be misunderstood" even by people in the military chain of command.

Westmoreland has denied that he put an arbitrary ceiling of 300,000 on official estimates of enemy forces, as the documentary charged. And he told the jury Monday that he was unaware of any pressure from his superiors to show progress in the war.

Westmoreland does not deny that certain categories of enemy forces — political cadre and self-defense and secret self-defense forces — were taken out of the military order of battle (the listing of military strength) in 1967. He contends it was a decision that would make the estimates more meaningful and honest.

The former general and witnesses on his behalf, have continually referred to the self-defense forces of the en-

emy as old women and men, children, and young boys who did not have offensive capability.

Throughout his testimony, Westmoreland has been dignified and composed, although he has appeared tired on occasions and the judge excused him from testifying for several days last week.

The trial has had a fairly large audience daily as Westmoreland testifies.



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